

REMARKS

Claims 1, 4-7, 11-20, and 22-28 are currently pending. Claims 1, 11, and 19 have been amended to place them in a better condition for appeal, and claim 3 has been cancelled.

Grouping of Claims

The rejected claims do not stand or fall together, and the following groups are separately patentable:

- Group I: Claims 1, 4-7;
- Group II: Claims 11-20, 22, and 26-28;
- Group III: Claim 23;
- Group IV: Claim 24; and
- Group V: Claim 25.

Argument

To establish a *prima facie* case of obviousness, the Examiner must meet three basic criteria. See *M.P.E.P.* § 706.02(j) and 2143.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art, not in applicants' disclosure.

Id. The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the inventors have done. *M.P.E.P.* § 706.02(j); see also *In re Rougget*, 149 F.3d 1350, 1355 (Fed. Cir. 1998). In establishing a *prima facie* case of obviousness, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led

to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. Ex parte Clapp, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. & Int. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from Appellant's disclosure. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1051, 5 U.S.P.Q.2d 1434, 1439 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988); In re Vaeck, 947 F.2d at 493, 20 U.S.P.Q.2d at 1442; MPEP §2143. The Examiner can only establish a *prima facie* case of obviousness by pointing out some objective teaching in the prior art references themselves that would lead one of ordinary skill in the art to combine the relevant teachings and the references. In re Fine, 837 F.2d at 1074, 5 U.S.P.Q.2d at 1598-99; In re Jones, 958 F.2d 347, 351, 21 U.S.P.Q.2d 1941, 1943-44 (Fed. Cir. 1992); MPEP §2143.01. "Determination of obviousness can not be based on the hindsight combination of components selectively culled from the prior art to fit the parameters of the patented invention." ATD Corp. v. Lydall, Inc., 159 F.3d 534, 546 (Fed. Cir. 1998).

In addition, the mere fact that the prior art structure could be modified does not make such a modification obvious unless the prior art suggests the desirability of doing so. In re Gordon, 733 F.2d 900, 902, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984); In re Mills, 916 F.2d 680, 682, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); MPEP §2143.01.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). *MPEP 2143.01*.

To properly establish a prima facie obviousness rejection under 35 U.S.C. §103, the examiner must step backward in time and into the shoes worn by the hypothetical "person of ordinary skill in the art" when the invention was unknown and just before it was made. In view of all factual information, the examiner must then make a determination whether the claimed invention "as a whole" would have been obvious at that time to that person. Knowledge of applicant's disclosure must be put aside in reaching this determination, yet kept in mind in order to determine the "differences," conduct the search and evaluate the "subject matter as a whole" of the invention. The tendency to resort to "hindsight" based upon applicant's disclosure is often difficult to avoid due to the very nature of the examination process. However, impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.

MPEP §2142. Thus, hindsight based on the applicant's disclosure cannot be used to establish an obviousness rejection. *See id.*

Group I: Claims 1, 4-7

Amended claim 1 defines a trackable postage stamp comprising a first surface and a second surface opposite the first surface and adapted to adhere to a piece of mail. The stamp also includes a passive tracking device without an onboard power supply and including stamp identification (ID) information. The passive tracking device includes a radio frequency identification device (RFID).

Tuttle discloses an electrically powered postage stamp or mailing label that includes a powered RFID device and system. The RFID system includes an IC chip, a RF antenna, and batteries, thus defining an active RFID system and not a passive RFID, as recited in claim 1.

Conwell does not cure the deficiencies of Tuttle. Conwell discloses a tamper resistant label that includes a passive RFID transponder. The RFID transponder is sandwiched between a substrate and an adhesive with a tamper resistant cover. Conwell does not teach or suggest

applying passive RFID transponders, or any passive tracking device, to postage stamps or mailing labels. All Conwell teaches is that passive RFID transponders exist.

Active RFIDs and passive RFIDs are very different components. As stated in Applicants specification:

RFID tags are generally classified into two broad groups, passive and active. Passive tags do not include a power supply of their own, while active RFID tags include a power supply such as a battery. Active RFID tags are typically able to be read from greater distances when compared to passive RFID tags. In addition, active tags can typically store and transmit more information than can passive RFID tags. However, active RFID tags are typically larger and more expensive than passive RFID tags. In addition, active RFID tags have a limited life span due to their need for an internal power supply.

Specification, page 3, lines 10-17. As such, the applications that use one type of RFID will not necessarily work if the other type of RFID is employed. Thus, absent a specific teaching or suggestion, one of ordinary skill in the art would not assume that an application that employs an active RFID would also work using a passive RFID.

Applicants find no suggestion or motivation, in either Tuttle or Conwell, that would lead one of ordinary skill in the art to combine the teachings of Tuttle and Conwell. Conwell teaches nothing regarding the use of passive RFIDs in an item such as a postage stamp or mailing label. The Examiner cites Conwell only for the teaching of a passive RFID on a label. Tuttle teaches the use of an active RFID and teaches away from the use of passive RFIDs. Specifically, Tuttle states:

[The] prior art also includes smaller passive RFID packages which have been developed in the field of transportation and are operative for tracking automobiles. These reflective passive RFID packages operate by modulating the impedance of an antenna, but are generally inefficient in operation, require large amounts of power to operate, and have a limited data handling capability.

Tuttle Specification, col. 1, lines 61-67. While not an explicit teaching that passive RFIDs will not function with the invention disclosed by Tuttle, the fact that Tuttle only discusses drawbacks

to passive RFIDs would lead one of ordinary skill in the art to conclude that Tuttle believed passive RFIDs were not suitable for a postage stamp or mailing label application.

In the Office action dated October 19, 2004, the Examiner argues that Tuttle discloses that passive RFIDs can be used to track small objects. The Examiner further argues, “in fact, Tuttle discloses alternatives to using a battery in the stamp embodiment (i.e., optical devices as recited in col. 7).” *Office action dated October 19, 2004, page 14*. Tuttle further states, “the present invention also includes forming an optical detector on the IC chip as a means of receiving and detecting signals carried by light and also as a means of powering the RFID transceiver as an alternative to using a battery.” *Tuttle Specification, col. 7, lines 27-31*. Furthermore, Tuttle discloses that RF charging may be employed in place of a battery. *See Tuttle Specification, col. 7, lines 8-9*. While Tuttle does disclose alternatives to batteries, Tuttle does not describe a passive RFID as that term is defined in the specification and as that term is known in the art. Tuttle’s first alternative is to use an optical detector as a means of powering the RFID. This is akin to using a solar cell or solar power to power the RFID device. Thus, while it is not a battery, it is still an onboard power supply used exclusively by the particular RFID. Tuttle’s second alternative relates to the use of RF charging. While Tuttle states that this eliminates a battery, it still requires an element to be charged, such as a capacitor. Thus, the RFID still includes an onboard power supply used exclusively by the RFID, and as such is an active RFID.

In light of the foregoing, Applicants argue that Tuttle only teaches the use of active RFIDs, as that term is defined in the specification and understood in the art. Tuttle teaches alternatives to a battery, however, each of these alternatives still provides an onboard power source for each RFID. Thus, the RFIDs of Tuttle are all active and there is no teaching or suggestion within Tuttle that would lead one to combine the teachings of Tuttle and Conwell.

Thus, the Examiner has failed to show a teaching or suggestion, from within the references themselves and without the use of impermissible hindsight, that would lead one of ordinary skill in the art to combine Tuttle and Conwell. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).*

Furthermore, even if one of ordinary skill in the art did combine the teachings of Tuttle with those of Conwell, there is no reasonable expectation of success. Tuttle discloses many of the disadvantages associated with using passive RFIDs in a mailing label or postage stamp application but never describes any solutions to these disadvantages. Conwell simply describes a passive system and makes no mention of its applicability to a mailing label or a postage stamp application. Thus, one of ordinary skill in the art, upon reading Tuttle, would conclude that passive RFIDs are not suitable for the mailing label task.

For these reasons, Applicants submit that Tuttle and Conwell alone or in combination do not teach or suggest the subject matter defined by claim 1. Accordingly, claim 1 is allowable. In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1 and allowance of claim 1. Claims 4-7 depend from claim 1 and are also allowable for these reasons.

Group II: Claims 11-20, 22, and 26-28

Claims 11-17, 19, 22, and 26-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Levasseur et al. (U.S. Patent No. 4,008,792), Fite et al. (U.S. Patent No. 6,467,684), and Conwell. In addition, claims 18 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Levasseur et al., Fite et al., Conwell, and Barcelou (U.S. Patent No. 6,048,271).

Amended claim 11 defines a postage stamp dispensing system that includes a plurality of postage stamps. Each stamp includes a tracking device that includes stamp ID information . A stamp dispenser is adapted to contain and dispense the stamps. A reader is operatively associated with the stamp dispenser to read the stamp ID information when the relative position between the stamp and the reader changes as the stamp is dispensed. A database is operable to store the read stamp ID information. Each tracking device includes a radio frequency identification (RFID) device that does not include an onboard power supply. The RFID device is passive.

Claim 19 defines a method of tracking a postage stamp. The method includes coupling tracking information to the stamp, the tracking information including a stamp ID. The method also includes dispensing the stamp to a customer, reading the tracking information as the stamp is dispensed, and storing the stamp ID in a database. The tracking information is stored within a passive RFID device that does not include an onboard power supply.

In the Office action dated October 19, 2004 the Examiner argues that the combination of Tuttle and Conwell teaches the use of a passive RFID as a tracking device for a postage stamp. As discussed with regard to the Group I claims, Tuttle and Conwell do not teach or suggest a passive RFID as a tracking device for a postage stamp. As such, the Group II claims are allowable for the reasons set forth with regard to the Group I claims. In addition, the claims of Group II are separately patentable because these claims recite, inter alia, a reader that is operatively associated with the stamp dispenser to read the stamp ID information when the relative position between the stamp and the reader changes *as the stamp is dispensed*.

The Examiner cites Fite as teaching a reader that reads information when the relative position between a dispensed product and a reader changes. Fite discloses a system for selling

and dispensing pre-paid cards for purchasing products or services. The cards include magnetic strips that are read by card readers after the card is dispensed to the customer. However, Fite makes no mention of reading a passive RFID that is positioned on a stamp or other product *as the stamp or product is dispensed* from a machine.

The Examiner cites Levasseur as teaching vend control circuits that allow the vending of various quantities of products at different prices. However, Levasseur teaches nothing regarding RFIDs, passive or active. Furthermore, Levasseur does not teach or suggest reading a passive RFID that is positioned on a stamp or other product *as the stamp or other product is dispensed* from the machine.

In addition, even if Tuttle, Fite, Levasseur, and Conwell teach the limitations of claims 11 and 19, a contention Applicants disagree with, the Examiner has failed to show any motivation, found within the references themselves, that would lead one of ordinary skill to combine these four references. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).* The Examiner has clearly reconstructed the invention in hindsight by trying to find claim elements in various diverse pieces of prior art, and still required four references to do so.

Applicants have discussed the lack of a motivation to combine Tuttle and Conwell with regard to the claims of Group I and those arguments are equally applicable to the claims of Group II.

The Examiner combines the teachings of Levasseur with those of Tuttle and Conwell and states that it would have been obvious to combine the teachings to arrive at a vending machine to dispense stamps because “this is an efficient and a convenient way for consumers to be able to

purchase stamps when a conventional store is closed.” *Office action dated October 19, 2004, page 6.* The Examiner also states that Levasseur is properly combined with Tuttle and Conwell because Levasseur is from a related field, as “Levasseur teaches the dispensing/vending of stamps.” *Office action dated October 19, 2004, page 15.* Applicants disagree that Levasseur is from a related field and the Levasseur teaches the dispensing/vending of stamps. Levasseur teaches a vend control circuit and makes no mention of vending stamps. In addition, there is no suggestion in Tuttle, Conwell, or Levasseur that would lead one of ordinary skill in the art to combine these references. The fact that the claimed invention is more efficient and convenient for consumers does not make it obvious to combine references that are selectively culled to show the recited claim limitations.

In an effort to show all of the claimed limitations, the Examiner also combines the teachings of Fite with those of Tuttle, Levasseur, and Conwell. As discussed above, Fite does not teach or suggest the limitations alleged by the Examiner. Furthermore, there is no suggestion in any of the references that would lead one of ordinary skill in the art to combine the teachings of Fite with those of Tuttle, Levasseur, and Conwell. The Examiner states that it would have been obvious to combine the teachings because “it is favorable to be able to track an object that has been purchased be [sic] a consumer to ensure correct handling and operation.” *Office action dated October 19, 2004, page 8.* The Examiner further states that it would have been obvious to vend stamps and pre-paid cards in the same manner. *See Office action dated October 19, 2004, page 15.* Finally, the Examiner states that Fite is properly combinable with Tuttle, Levasseur, and Conwell as Fite teaches the intricacies of vending objects. *See Office action dated October 19, 2004, page 15.* However, Applicants see no teaching that would suggest stamps could be vended and tracked in a manner similar to that disclosed in Fite. If they were, each stamp would

include a magnetic strip to allow for tracking. Thus, the Examiner relies on impermissible hindsight and the teachings of the Applicants to arrive at the incorrect conclusion that claims 11 and 19 are obvious. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).* The fact that Fite teaches of the intricacies of vending objects does not amount to a teaching of employing a reader to read information from stamps as they are vended.

For these reasons, it is submitted that Tuttle, Fite, Levasseur, and Conwell alone or in combination do not teach or suggest the subject matter defined by claims 11 and 19. Furthermore, even if Tuttle, Fite, Levasseur, and Conwell did teach all of the limitations of claims 11 and 19, a contention Applicants disagree with, there is no suggestion in any of Tuttle, Fite, Levasseur, and Conwell that would lead one of ordinary skill in the art to combine their teachings. Any contention that it would have been obvious to combine these four references to arrive at the invention of claims 11 and 19 relies on impermissible hindsight after viewing the Applicants claimed invention, and is improper. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).*

Accordingly, claims 11 and 19 are allowable. Claims 12-17 depend from allowable independent claim 11, and claims 22 and 26-28 depend from claim 19 and are allowable for the same and other reasons.

Claim 18 depends from claim 11 and adds an imaging device operatively associated with the stamp dispenser to capture an image of the user of the stamp dispenser. Claim 20 depends from claim 19 and adds the step of capturing an image of the customer and storing the captured image in the database.

Barcelou does not teach or suggest each and every limitation of claims 11 or 19, much less those of claims 18 and 20. However, even if Barcelou did teach the limitations of claims 18 and 20, a contention Applicants disagree with, there is no suggestion in Barcelou, Tuttle, Levasseur, Fite, or Conwell that would lead one of ordinary skill in the art to combine the teachings of these five references. The Examiner is simply culling the claimed limitations from various references and using impermissible hindsight to find a justification for combining the teachings of Barcelou with those of Tuttle, Levasseur, Fite, and Conwell. Thus, the Examiner is relying on impermissible hindsight and the teachings of the Applicants application to arrive at an improper obviousness rejection based on these five references. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).*

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 11-20, 22, and 26-28 and allowance of claims 11-20, 22, and 26-28.

Group III: Claim 23

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Levasseur et al., Fite et al., Conwell, and Porter (U.S. Patent No. 5,774,053).

Claim 23 depends from claim 19 and adds the step of reading the tracking information as the stamp is deposited into a postal mailbox, and storing the stamp ID and a mailbox location within a database. Claim 23 depends from claim 19 and is allowable for the reasons set forth with regard to the Group II claims. In addition, claim 23 is allowable because Porter does not teach or suggest reading tracking information from a stamp as the stamp is deposited in a postal mailbox. Rather, Porter discloses a storage device that provides secure access to a space. A user places goods for delivery in the secured space after unlocking a lock actuator. To unlock the

actuator, the user provides user information in the form of a key code, contactless smart card, or other device. Thus, Porter teaches a device that uses and stores user information to provide tracking and access control for a space. Porter does not teach or suggest reading a passive RFID that is attached to a stamp as the stamp is placed in the space. In fact, Porter does not teach or suggest reading any information associated with, or attached to the object being placed in the space.

Furthermore, even if Porter did teach the limitations of claim 23, a contention Applicants disagree with, there is no suggestion in Porter, Tuttle, Levasseur, Fite, or Conwell that would lead one of ordinary skill in the art to combine the teachings of these five references. The Examiner argues that it would have been obvious to combine Porter with Tuttle, Levasseur, Fite, and Conwell because Porter is from a related field “(i.e., . . . Porter teaches confirmation of a delivery of an object).” *Office action dated October 19, 2004, page 15*. However, Porter teaches nothing regarding a postal mailbox, a stamp, an RFID, or any other feature of the claimed invention and is not related in any way. Thus, Applicants are unable to find any suggestion in Porter, Tuttle, Levasseur, Fite, or Conwell that would lead one of ordinary skill in the art to combine these five references. The Examiner is simply culling limitations from various references and using impermissible hindsight in an effort to justify combining their teachings. It is the invention of the trackable postage stamp that creates the ability to read tracking information from the stamp as the stamp is deposited in the mailbox. Without the Applicants invention, the ability and desire to read tracking information from a stamp would not exist. Thus, the Examiner is relying on impermissible hindsight and the teachings of the Applicant’s invention to arrive at an obviousness rejection based on these five references. *See MPEP §2142 (discussing examiner’s requirement to avoid the use of impermissible hindsight to assure that the*

conclusion of obviousness is based on facts gleaned from the prior art). The Examiner has clearly reconstructed the invention in hindsight by trying to find claim elements in various diverse pieces of prior art, and still required five references to do so.

For these reasons, it is submitted that Tuttle, Levasseur, Fite, Conwell, and Porter, alone or in combination do not teach or suggest the subject matter defined by claim 23. Furthermore, even if Tuttle, Fite, Levasseur, Conwell, and Porter did teach all of the limitations of claim 23, a contention Applicants disagree with, there is no suggestion in any of Tuttle, Fite, Levasseur, Conwell, or Porter that would lead one of ordinary skill in the art to combine their teachings. Any contention that it would have been obvious to combine these five references to arrive at the invention of claim 23 relies on impermissible hindsight after viewing the Applicants claimed invention, and is improper. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art)*.

Accordingly, claim 23 is allowable. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 23 and allowance of claim 23.

Group IV: Claim 24

Claim 24 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Levasseur et al., Fite et al., Conwell, and Porter.

Claim 24 depends from claim 23 and adds the steps of comparing the mailbox location and the dispensing location, and identifying the stamp if the mailbox location is more than a predefined distance from the dispensing location. Because claim 24 depends from claim 23, claim 24 is allowable for the reasons set forth with regard to the Group II claims and the Group

III claim. In addition, claim 24 is allowable because Porter does not teach or suggest comparing the mailbox location and the dispensing location, and identifying the stamp if the mailbox location is more than a predefined distance from the dispensing location. In fact, Porter makes no mention of comparing the location of the space with any location associated with the object disposed in the space. The Examiner also fails to find an explicit teaching within Porter, and instead states:

[i]n view of the teaching of Porter, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a system to be able to confirm the delivery of the articles with the trackable stamps to ensure that a correct delivery was made (this includes determining if the mailbox location is more than a predefined distance from the dispensing location).

Office action dated October 19, 2004, page 13. Applicants cannot find this teaching within Porter and conclude that even with the combination of five references, the Examiner is still unable to find a teaching of all of the limitations of claim 24.

Furthermore, even if Porter did teach the limitations of claim 24, a contention Applicants disagree with, there is no suggestion in Porter, Tuttle, Levasseur, Fite, or Conwell that would lead one of ordinary skill in the art to combine the teachings of these five references. For the reasons set forth with regard to the Group III claim, the teachings of Porter cannot be combined with those of Tuttle, Levasseur, Fite, and Conwell without the use of impermissible hindsight. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).* The Examiner has clearly reconstructed the invention in hindsight by trying to find claim elements in various diverse pieces of prior art, and still required five references to do so.

For these reasons, it is submitted that Tuttle, Levasseur, Fite, Conwell, and Porter, alone or in combination do not teach or suggest the subject matter defined by claim 24. Furthermore,

even if Tuttle, Fite, Levasseur, Conwell, and Porter did teach all of the limitations of claim 24, a contention Applicants disagree with, there is no suggestion in any of Tuttle, Fite, Levasseur, Conwell, or Porter that would lead one of ordinary skill in the art to combine their teachings. Any contention that it would have been obvious to combine these five references to arrive at the invention of claim 24 relies on impermissible hindsight after viewing the Applicants claimed invention, and is improper. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).*

Accordingly, claim 24 is allowable. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 24 and allowance of claim 24.

Group V: Claim 25

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Tuttle in view of Levasseur et al., Fite et al., Conwell, and Porter.

Claim 25 depends from claim 19 and adds the steps of sensing when an article is deposited in a mailbox, determining when tracking information was not properly read for all the articles placed in the mailbox, and providing a perceivable indication when it has been determined that tracking information was not properly read for all the articles placed in the mailbox. Because claim 25 depends from claim 19, claim 25 is allowable for the reasons set forth with regard to the Group II claims. In addition, claim 25 is allowable because Porter does not teach or suggest reading any information from the object being placed in the space, much less identifying that information has not been properly read from one or more objects. Porter

teaches a device that reads data associated with the user accessing the space. Porter does not teach reading information from an object that is being placed in the space.

Furthermore, even if Porter did teach the limitations of claim 25, a contention Applicants disagree with, there is no suggestion in Porter, Tuttle, Levasseur, Fite, or Conwell that would lead one of ordinary skill in the art to combine the teachings of these five references. For the reasons set forth with regard to the Group III claim and the Group IV claim, the teachings of Porter cannot be combined with those of Tuttle, Levasseur, Fite, and Conwell without the use of impermissible hindsight. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).*

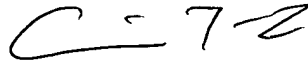
For these reasons, it is submitted that Tuttle, Levasseur, Fite, Conwell, and Porter, alone or in combination do not teach or suggest the subject matter defined by claim 25. Furthermore, even if Tuttle, Fite, Levasseur, Conwell, and Porter did teach all of the limitations of claim 25, a contention Applicants disagree with, there is no suggestion in any of Tuttle, Fite, Levasseur, Conwell, or Porter that would lead one of ordinary skill in the art to combine their teachings. Any contention that it would have been obvious to combine these five references to arrive at the invention of claim 25 relies on impermissible hindsight after viewing the Applicants claimed invention, and is improper. *See MPEP §2142 (discussing examiner's requirement to avoid the use of impermissible hindsight to assure that the conclusion of obviousness is based on facts gleaned from the prior art).* The Examiner has clearly reconstructed the invention in hindsight by trying to find claim elements in various diverse pieces of prior art, and still required five references to do so.

Accordingly, claim 25 is allowable. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 25 and allowance of claim 25.

Conclusion

In view of the foregoing, reversal of the final rejection of claims 1, 4-7, 11-20, and 22-28 and allowance of claims 1, 4-7, 11-20, and 22-28 is respectfully requested.

Respectfully submitted,



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